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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,605

Applicant(s)

WILHELM ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office action is in response to the amendment filed March 24, 03. Claims 1, 13, 16, and 17 have been amended. New claims 23-50 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated over Wiener (US Patent No. 6,490,521)

Claim 22:

Wiener discloses an alert system comprising:

- a. A condition information receiver 70,71,77 receiving condition data and generating condition information signal in response to the condition data
- b. A positioning system receiver 25 receiving position data and generating a position signal in response to the position data
- c. A video system 81
- d. An audio system 83
- e. A system controller 76 electrically coupled to the condition information receiver 77, the positioning system receiver, the video system, the audio system, the

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system controller in response to the condition information signal (weather, traffic, navigation information, etc...col. 8, second paragraph) and the position signal (GPS data) forming an overlay condition position signal (col. 6, lines 32-40).

Claim 50:

Wiener discloses an alert system comprising a condition information receiver 70,71,77 receiving condition data and generating a condition information signal in response to the condition data, and an indicator. Wiener also discloses a system controller 76 electrically coupled to the condition information receiver 77, the positioning system receiver, the video and audio system, wherein the system controller in response to the condition information signal (weather, traffic, navigation information, etc...col. 8, second paragraph) and the position signal (GPS data) forming an overlay condition position signal and indicates the overly condition position signal on the video and audio system. Col. 6, lines 33- 49.

Claim Rejections - 35 USC § 103

4. Claims 1-21 and 23-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (US Patent No. 6,490,521) in view of Maxwell et al. (US Patent No. 5635,921).

Claim 1:

Wiener discloses an alert system comprising:

- a. A condition information receiver 70,71,77 receiving condition data and generating a condition information signal in response to the condition data

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- b. A positioning system receiver 25 receiving position data and generating a position signal in response to the position data
- c. An indicator 81,83
- d. A system controller 76 electrically coupled to the condition information receiver 77, the positioning system, the indicator, wherein the system controller receives the condition information signal (weather, traffic, navigation information, etc...col. 8, second paragraph), the position signal (GPS data) for conversion into a condition alert signal wherein the converted condition alert signal is received by the indicator 81,83.

Wiener fails to disclose overriding vehicle audio entertainment systems and generating an audio signal on a vehicle audio entertainment system. However, the concept of overriding the vehicle sound system such as and broadcasting emergency situation on the emergency indicator within the vehicle and de-energizing the vehicle sound system is conventional in the art as taught in Maxwell. See col. 5, lines 11-26 and col.5, lines 48-54. In light of this teaching, it would have been obvious to one skill in the art to apply the same concept in the system of Wiener because it would allow emergency situation to be brought to subscriber's attention immediately.

Claim 2:

The alert system in Wiener is an audio unit 83, a video unit 81, and a heads up display. See col. 6, lines 41-49.

Claim 3:

The system in Wiener further comprises:

- a. A video system 80 electrically coupled to the system controller 76

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b. An audio system 83 electrically coupled to the system controller 76 wherein the system controller indicates the conditional alert signal in the video system and the audio system.

Claim 4:

The condition signal in Wiener is the weather. Col. 6, lines 33-40.

Claim 5:

The video system in Wiener is a navigation system. Col. 6, lines 33-40.

Claim 6:

The audio system in Wiener receives data is a prerecorded voice. Col. 7, lines 32-37.

Claim 7:

The system controller 76 in Wiener receives the position signal (GPS data) and signals the video display system (navigation map or text)

Claim 8:

The system controller 76 combines the condition information signal with the position signal to form an overlay condition position signal.

Claim 9:

The system controller in Wiener also indicates a heading direction of the condition information receiver.

Claim 10:

The condition information receiver in Wiener is a wireless communicating system and navigation system. See front-page figure.

Claim 11:

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The audio system in Wiener is a sound conveying device speaker 83.

Claim 12:

The condition information receiver is a wireless data system, personal communication service, and cellular data network. See front-page figure.

Claims 13 and 14:

The rejection of claim 13 and 14 recites what was discussed in the rejection of claims 1 and 2 respectively.

Claim 15:

The indicating method step in Wiener indicates current hazardous condition, further displaying a condition map on a video display and overlaying a condition alert system position on the video display and indicating a condition alert system heading. Col. 8, second paragraph.

Claims 16 and 23:

The combined system of Wiener and Maxwell changes power provision of the vehicle indicator by powering on the indicator and generating an audio signal on the indicator. Col.5, lines 48-54.

Claim 17:

The audio signal in Wiener is a prerecorded voice Col. 7, lines 32-37.

Claim 18:

In Wiener, the system dynamically updates condition data based on a condition alert system position.

Claim 19:

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The system in Wiener indicates a current hazardous condition further comprises calculating a condition alert system position relative to an alert area. . Col. 8, second paragraph.

Claim 20:

The displaying step in Wiener displays an overlay of a condition alert system position on a generated condition map on a video display. Col. 6, lines 33-40.

Claim 21:

The system in Wiener displays the heading direction of a condition alert system.

Claims 24 and 25:

The combined system uses a power provision for turning off an existing vehicle entertainment system selected from a group of CD player, tape player, and a nonbroadcast device. Col.5, lines 48-54.

Claim 26:

Wiener discloses an alert system comprising a condition information receiver 70,71,77 receiving condition data and generating a condition information signal in response to the condition data, and an indicator. Wiener also discloses a system controller 76 electrically coupled to the condition information receiver 77, the positioning system, the indicator, wherein the system controller receives the condition information signal (weather, traffic, navigation information, etc...col. 8, second paragraph), the position signal (GPS data) for conversion into a condition alert signal wherein the converted condition alert signal is received by the indicator 81,83.

Wiener fails to disclose overriding vehicle audio entertainment systems and generating an audio signal on a vehicle audio entertainment system. However, the concept of overriding the

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vehicle sound system such as and broadcasting emergency situation on the emergency indicator within the vehicle and de-energizing the vehicle sound system is conventional in the art as taught in Maxwell. See col. 5, lines 11-26 and col.5, lines 48-54. In light of this teaching, it would have been obvious to one skill in the art to apply the same concept in the system of Wiener because it would allow emergency situation to be brought to subscriber's attention immediately.

Claim 27:

Wiener discloses overriding providing includes power provision for powering the indicator.

Claim 28:

The combined system of Wiener and Maxwell uses a power provision for turning off an existing vehicle entertainment system selected from a group of CD player, tape player, and a nonbroadcast device. Col.5, lines 48-54 in Maxwell.

Claim 29:

The indicator 81,83 in Wiener is selected from the following group comprising a vehicle system, an audio system, a lighting system, and a heads up display system.

Claim 30:

Wiener discloses a video system 81 and an audio system 83 electrically coupled to the controller wherein the system controller indicates the condition alert signal on the video system and the audio system.

Claim 31:

The condition to be detected and indicated in Wiener is weather. Col. 6, lines 33-49.

Claim 32:

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The video display system in Wiener is a navigation system. Col. 6, lines 33-49.

Claim 33:

The audio signal in Wiener is a prerecorded voice. Col. 7, lines 32-37.

Claim 34:

The system controller 76 in Wiener receives the position signal and signals the video display system (navigation system).

Claim 35:

The system controller 76 in Wiener combines the condition information signal with the position signal to form an overlay condition position signal.

Claim 36:

The system controller in Wiener also indicates a heading direction of the condition information receiver.

Claim 37:

The condition information receiver in Wiener is a wireless communication system and a navigation system.

Claim 38:

In the combined system of Wiener and Maxwell the audio system is a sound conveying device.

Claim 39:

The condition information receiver in Wiener receives condition data from a cellular data network.

Claim 40:

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The rejection of claim 40 recites what was discussed in claim 26 except it is a method claim.

Claim 41:

The condition signal in Wiener is the weather.

Claim 42:

The indicating method step in Wiener indicates current hazardous condition, the method further comprising displaying a condition map on a video display and overlaying a condition alert system position on the video display and indicating a condition alert system heading. Col. 6, lines 33-40.

Claim 43:

In the combined system of Wiener and Maxwell, the changing power provision of the vehicle indicator comprises powering on the indicator and generating an audio or video signal on the indicator.

Claim 44:

The audio signal in Wiener comprises audibly transmitting signal formed by a prerecorded message.

Claim 45:

The combined system of Wiener and Maxwell uses a power provision for turning off an existing vehicle entertainment system selected from a group of CD player, tape player, and a nonbroadcast device. Col.5, lines 48-54 in Maxwell.

Claim 46:

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In Wiener, the system dynamically updates condition data based on a condition alert system position.

Claim 47:

Then Wiener system indicates a current hazardous condition and calculates a condition alert system position relative to an alert area. Col. 8, second paragraph.

Claim 48:

The Wiener system displays an overlay of a condition alert system position on a generated condition map on a video display. Col. 6, lines 33-49.

Claim 49:

The Wiener system further comprises displaying a heading direction of a condition alert system.

Response to Arguments

5. Applicant's arguments filed 3/24/03 been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal line extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2632

jl
June 10, 2003